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**IN THE UNITED STATES PATENT  
AND TRADEMARK OFFICE**

Appl. No. : 09/925,673  
Applicant(s): Masakatsu KANEKO et al  
Filed : August 9, 2001  
For : NOVEL NUCLEOSIDE AND  
OLIGONUCLEOTIDE ANALOGUES  
Art Unit : 1623  
Examiner : Howard Owens, Jr.  
Docket No. : 01376CIP/HG  
Customer No.: 01933  
CONFIRMATION NO. : 4630

**COMMENTS ON THE NOTICE OF ALLOWANCE  
AND THE CORRECTED NOTICES OF ALLOWANCE**

COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, VA 22313-1450

**ATTENTION: MAIL STOP ISSUE FEE**

S I R :

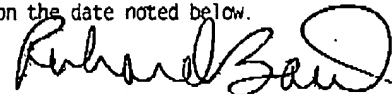
The NOTICE OF ALLOWANCE dated January 31, 2005 (which was received by the undersigned's firm on March 4, 2005) returned copies of the following IDS documents with the Examiner's initials in the left column: (i) Form PTO/SB/08A (one page) and Form PTO/SB/08B (one page), each dated September 16, 2004 and (ii) the Form PTO/SB/08A dated September 30, 2004. The NOTICE OF ALLOWANCE dated January 31, 2005, however, did not return an

**CERTIFICATE OF FACSIMILE  
TRANSMISSION**

TO NO. 1-703-872-9306 and  
1-571-273-0658

TOTAL PAGES: 21

I hereby certify this  
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transmitted to the  
Commissioner for Patents  
on the date noted below.



Attorney: Richard S. Barth

Dated: March 29, 2005

In the event that this Paper  
is late filed, and the  
necessary petition for  
extension of time is not filed  
concurrently herewith, please  
consider this as a Petition  
for the requisite extension of  
time, and to the extent not  
tendered by check attached  
hereto, authorization to  
charge the extension fee, or  
any other fee required in  
connection with this Paper,  
to Account No. 06-1378.

initialed copy of the Form PTO/SB/08A (one page) dated August 17, 2004, which was filed together with a RCE on August 17, 2004.

The non-receipt of an initialed copy of said Form PT/SB/08A dated August 17, 2004 was called to the Examiner's attention during several telephone interviews between the Examiner and the undersigned, most recently on March 10, 2005.

A PETITION TO RESET PERIOD FOR RESPONSE DUE TO POSTMARK DATE MORE THAN ONE MONTH LATER THAN MAIL DATE PRINTED ON PTO NOTICE OF ALLOWANCE was filed on March 18, 2005. One reason for filing the PETITION was to provide further time to obtain an initialed copy of the Form PTO/SB/08A dated August 17, 2004.

A CORRECTED NOTICE OF ALLOWANCE dated March 14, 2005 was received by the undersigned's firm on March 16, 2005. A further CORRECTED NOTICE OF ALLOWANCE dated March 9, 2005 was received by the undersigned's firm on March 25, 2005. These two CORRECTED NOTICES OF ALLOWANCE did not include an initialed copy of the Form PTO/SB/08A dated August 17, 2004.

As discussed in said PETITION filed on March 18, 2005, although each of the four United States patent documents identified on said August 17, 2004 Form PTO/SB/08A is considered

relevant, the patent document US 2003/0144231A1, which is the publication of SN 10/208,650 is particularly relevant in view of the allowed claims, which are different than the original claims printed in US 2003/0144231A1 and which are more relevant than the claims printed in US 2003/0144231A1.

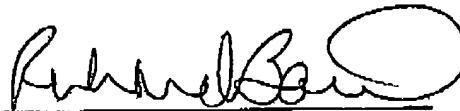
Submitted concomitantly herewith is a copy of the AMENDMENT UNDER 37 C.F.R. § 1.312 in SN 10/208,650 which contains the allowed claims (which was downloaded from the public PAIR system), which is dated and was filed on December 20, 2004 (a copy of said AMENDMENT UNDER 37 C.F.R. § 1.312 in SN 10/208,650 was enclosed with said PETITION).

Also enclosed is a copy of the Form PTO/SB/08A dated August 17, 2004 and a copy of the postcard receipt thereof.

There is considered to be an overlap between the claims in the above-identified application SN 09/925,673 (for example, claim 45) and the claims in said AMENDMENT UNDER 37 C.F.R. § 1.312 in SN 10/208,650 (for example, claim 180).

It is, therefore, respectfully requested that the information herein be considered and that publications cited on said Form PTO/SB/08A dated August 17, 2004 be considered and made of record and an initialed copy of said Form PTO/SB/08A dated August 17, 2004 be returned to the undersigned.

Respectfully submitted,



RICHARD S. BARTH  
Reg. No. 28,180

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RSB/fs

Enclosures:

- (1) copy of AMENDMENT UNDER 37 C.F.R. § 1.312 in SN 10/208,650
- (2) copy of Form PTO/SB/08A dated August 17, 2004 and receipt postcard therefor